

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No.: 5:23-CV-000559-BO-RJ

DELBERT QUILLEN WARD,)
)
Plaintiff,)
)
v.)
)
CITY OF RALEIGH)
)
Defendant.)
)
_____)

**DECLARATION OF
RYAN WILSON**

Ryan Wilson, under penalty of perjury, hereby declares and states as follows:

1. I am over eighteen years of age, of sound mind, and otherwise competent to make this declaration. The facts set forth in this declaration are based on my personal knowledge.

2. I am currently employed by the City of Raleigh, Finance Department and hold the position of Risk and Insurance Manager. I have held this position since August 17, 2020.

3. Prior to becoming the City of Raleigh's Risk and Insurance Manager, I held various claims analyst positions in both the public and private sector, most recently as a Business Services Claims Analyst for the City of Durham. I have over fifteen (15) years of employment experience working closely on issues related to liability insurance.

4. As the City of Raleigh's Risk and Insurance Manager, I coordinate the City's insurance coverage, I serve as custodian of the City's current and past insurance policies, and I supervise and direct the City's Risk Management Division. I am very

familiar with all of the City's past and present insurance coverages and the excess insurance policies that the City has purchased.

5. The City does not participate in a risk pool and has not participated in a risk pool for many years prior to August 2020.

6. Throughout the year 2020, the City of Raleigh had in effect excess liability insurance coverage for general liability, which provided coverage for certain types of claims or judgments as specified in the particular policy when the amount of those claims exceeded \$1,000,000. During that period, the City purchased an insurance policy to provide a total of \$10,000,000 in excess liability insurance coverage. During that period, the City was—and currently remains—wholly uninsured for general liability claims under \$1,000,000 or above \$11,000,000.

7. From July 1, 2020 to July 1, 2021, the above-described excess insurance coverage was provided by Brit Global Specialty, USA, through a *Lloyd's Certificate, Declarations, and Policy of General Liability, Automobile Liability, Errors and Omissions Liability, Employee Benefits Liability, and Law Enforcement Liability Insurance* bearing policy number PK1028820 (hereinafter, the "Excess Policy"). The Excess Policy had aggregate limits of \$10,000,000, with a self-insured retention of \$1,000,000. A genuine copy of the Excess Policy is attached to this declaration as ***Exhibit A***. The Excess Policy is a public record as defined by North Carolina General Statutes § 132-1, *et. seq.*

8. The Excess Policy also included Endorsement No. 11, entitled *North Carolina Governmental Immunity*, which states:

This Policy is not intended by the INSURED to waive its governmental immunity as allowed by North Carolina General Statutes Section 115C-42, Section 153A-435, Section 115D-24 or Section 160A-485, or any amendments thereof. Accordingly, subject to this Policy and the Specific

Excess Limits of Insurance as stated in the Declarations, this Policy provides coverage only for OCCURRENCES or CLAIMS for which the defense of governmental immunity is clearly not applicable or for which, after the defense is asserted, a court of competent jurisdiction determines the defense of governmental immunity not to be applicable. This Policy does not apply to any amount for which the INSURED would not be liable under applicable governmental or sovereign immunity but for the existence of this Policy.

9. The City of Raleigh has had a self-insured retention on its liability insurance coverage for more than two decades.

10. In 1999, the Raleigh City Council enacted a policy allowing for a limited waiver of governmental immunity and immunity for public officials (hereinafter, the "Waiver Guidelines"). A certified copy of the Waiver Guidelines is attached hereto as ***Exhibit B***. The Waiver Guidelines is a public record as defined by North Carolina General Statutes § 132-1, *et. seq.*

11. The Waiver Guidelines authorize the City to waive governmental immunity and immunity for public officials acting in their official capacity in certain limited circumstances and for certain claims under \$1,000,000. The City may not waive governmental immunity or immunity for public officials unless the prerequisites and conditions of the Waiver Guidelines are strictly observed. Pursuant to the Waiver Guidelines, a claimant or plaintiff accepting the terms of the City Council's waiver cannot reserve any claim against any person or entity and must execute the City's release to receive payment. Further, pursuant to the Waiver Guidelines, the City may waive its governmental immunity or immunity for public officials only for those claims proximately caused by the wrongdoing or negligence of the City or its employee.

12. Based on my experience in monitoring the work of independent liability adjusters, including the independent liability adjusters with whom the City contracts, and

based on my knowledge about claims that I have monitored as the City's Risk and Insurance Manager, the adjusters and the City apply and adhere to this policy.

13. As the City's Risk and Insurance Manager, I have been aware of the Plaintiffs' lawsuit since it was served on the City. I am also aware that the Raleigh City Attorney has assigned Deputy City Attorney, Dorothy Kibler, to defend the City in Plaintiffs' lawsuit.

14. Pursuant to my duties as the City's Risk and Insurance Manager, I monitor the City's liability reserves and any pending or potential settlements or judgments that may require funding from these reserves. As of the date of this declaration, I have neither seen nor been advised that the Plaintiff in this lawsuit has executed a release of all persons, firms, and corporations arising out of the claims asserted in the Complaint.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this the 15th day of November 2023.

A handwritten signature in black ink, appearing to read 'RWilson', is written over a horizontal line.

Ryan Wilson
Risk and Insurance Manager
City of Raleigh

No. 5:23-CV-00559-BO-RJ

Plaintiff,

CERTIFICATE OF SERVICE

Defendant.

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